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OFFICIAL BUSINESS

Date: September 12, 2003

To: **Examiner Lavarias, Arnel C.**
Art Unit: 2872

Fax No.: 703/308-7722

From: Stephen P. Burr

Subject: U.S. Application Ser. No. **09/976,462**
Filed: October 12, 2001
Conf. No.: 9975
Title: **FIBER ARRAY, METHOD FOR FABRICATING THE SAME AND
OPTICAL DEVICE USING THE FIBER ARRAY**

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Our Ref.: 939_030

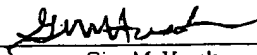
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CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that the following paper(s) is/are being facsimile transmitted to 703/308-7722 at the Patent and Trademark Office on September 12, 2003:

- | | |
|--|---------|
| • Amendment Transmittal (in duplicate) | 2 pages |
| • Request for Reconsideration | 4 pages |
| • this facsimile cover sheet | 1 page |

Total pages including cover 7 pages


Gina M. Husak

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BURR & BROWN

PATENT AMENDMENT TRANSMITTAL

(Provisions of 37 CFR 1.136 Apply)

Application Number	09/976,462	Filing Date	October 12, 2001
Group Art Unit	2872	Examiner Name	Lavarias, Arnel C.
Confirmation No.	9975	Attorney Docket No.	939_030
Inventor(s)	Akira MATSUMOTO, Masashi FUKUYAMA		
Invention:	FIBER ARRAY, METHOD FOR FABRICATING THE SAME AND OPTICAL DEVICE USING THE FIBER ARRAY		

Transmitted herewith is an Amendment in the above-identified application. The fee has been calculated as follows:

CLAIMS AS AMENDED

(1)	(2) Claims Remaining After Amendment	(3)	(4) Highest Number Previously Paid	(5) No. of Extra Claims Present	(6) Rate (Large Entity)	(7) Additional Fee
TOTAL CLAIMS	11	MINUS	20		\$18.00	\$00.00
INDEP. CLAIMS	2	MINUS	3		\$84.00	\$00.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$00.00

EXTENSION OF TERM

☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

☐ This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above-identified application. The requested extension and appropriate non-small entity fee are as follows:

- ☐ One Month (37 CFR 1.17(a)(1)) \$110.00
- ☐ Two Month (37 CFR 1.17(a)(2)) \$410.00
- ☐ Three Month (37 CFR 1.17(a)(3)) \$930.00

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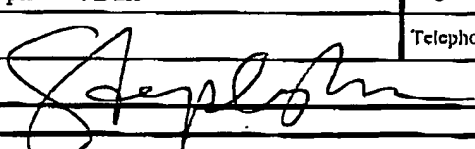
TOTAL FEES DUE

☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee amount is reduced by one-half, and the resulting fee is:

FEE PAYMENT


- ☒ No additional fee is required.
- ☐ A check in the amount of \$_____ is enclosed.
- ☐ Charge Deposit Account 50-1446 in the amount of \$____. Enclosed is a duplicate copy of this sheet.
- ☒ Please charge any fees which may be required, or credit any overpayment, to Deposit Account 50-1446.

Submitted By:

Name (Print Type)	Stephen P. Burr	Reg. No.	32,970	Customer No.	025191
		Telephone	(315) 233-8300	Facsimile	(315) 233-8320
Signature				Date	September 12, 2003

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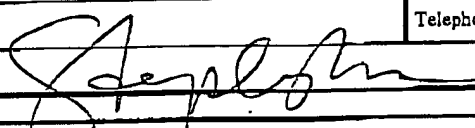
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Name (Print Type)	Stephen P. Burr	Reg. No.	32,970	Customer No.	025191
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Signature				Date	September 12, 2003

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Gina M. Husak

Practitioner's Docket No.: 939_030

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Akira MATSUMOTO, Masashi FUKUYAMA

Ser. No.: 09/976,462

Group Art Unit: 2872

Filed: October 12, 2001

Examiner: Lavarias, Arnel C.

Confirmation No.: 9975

For: FIBER ARRAY, METHOD FOR FABRICATING THE SAME AND OPTICAL
DEVICE USING THE FIBER ARRAY

M.S. Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Trademark Office on September 12, 2003.

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REQUEST FOR RECONSIDERATION

Sir:

In response to the Office Action mailed June 25, 2003, Applicants respectfully
request reconsideration and withdrawal of the rejections of record based on the
following arguments. Claims 1-11 are pending herein.

1. Examiner Lavarias is thanked for courtesies extended to Applicants' undersigned representative during a telephonic interview on September 5, 2003, the substance of which is incorporated below.
2. Applicants appreciate Examiner Lavarias indicating that claims 2, 4, 10 and 11 would be allowable if rewritten in independent form. Applicants respectfully submit, however, that claim 10 is already in independent form, and claim 11 depends from claim 10. During the telephonic interview, Examiner Lavarias confirmed that claims 10 and 11 are allowed. Applicants respectfully submit that, in addition, claims 1-9 are also in condition for allowance for the reasons explained below.

3. Claims 1, 3, 5-6 and 8-9 were rejected under §102(b) over Seino. Applicants respectfully traverse this rejection.

Independent claim 1 recites a fiber array housing a stripped fiber in a V-groove of a V-groove substrate comprising a fiber fixing substrate fixing the stripped fiber and a peripheral adhesive disposed around the stripped fiber. The end face of the peripheral adhesive is recessed no more than 10 μ m with respect to the end face of the fiber. Claims 2-9 depend either directly or indirectly from independent claim 1.

Examiner Lavarias relied upon Figs. 28(A)-28(E) of Seino as the basis for the rejection. With reference to the above drawings, Applicants respectfully submit that there is no way to determine the position of the peripheral adhesive 16 with respect to either the end faces of the fibers 1 or the end faces of the V-groove substrates 14, 17. That is, Seino teaches that the V-groove substrates 14, 17 are "laterally cut at a predetermined distance from the end face thereof (see lines b-b' of FIG. 9C)" in a direction perpendicular to the fibers in the V-groove (see Seino, Col. 3, lines 64-67). In view of Fig. 28(C), however, this non-specific, "predetermined distance" appears to be greater than the distance that the end of the adhesive 16 is spaced from the end of the substrate before the substrate is cut (see Seino's Figs. 9B and 28B). Thus, Applicants respectfully submit that the end face of the adhesive 16 *could* be substantially flush with respect to the end face of the fiber 1 after being cut (see Seino's Fig. 28D).

During the telephonic interview, Examiner Lavarias asserted that the cut line *could* also be positioned in front of the terminal point of the adhesive 16. In view of the fact that the Seino reference itself is silent as to which interpretation is correct, however, Applicants submit that either assertion is based on mere speculation. The fact is that there is no disclosure in Seino of the position of the adhesive with respect to the end face of the fiber or the end faces of the substrates. As such, there is simply no way to know exactly where the end face of the adhesive 16 is positioned based on the disclosure in Seino.

Further, Applicants respectfully submit that although Fig. 28E shows that portions of the substrates 14, 17 are etched away such that the fiber end faces 1 protrude a distance therefrom, and Seino discloses that the etching depth is "about ten to several hundreds of micrometers" (Seino, Col. 12, line 50), one cannot correlate the etching depth of the substrates with any position of the end face of the adhesive. That is, there is no disclosure whatsoever with respect to any specific position of the end face of the adhesive 16, much less any disclosure about the specific relationship between the position of the adhesive with respect to the end face of the fiber, either before or after the etching.

Moreover, Applicants respectfully submit that the etching depth is irrelevant in view of the fact that Seino specifically teaches that the etchant does not even remove the adhesive (see Col. 12, lines 65--Col. 13, line 7). During the telephonic interview, Examiner Lavarias indicated that he agreed with Applicants' position.

In addition, there is no recognition in Seino of any particular benefits or problems associated with the peripheral adhesive, and its presence and position with respect to the exposed ends of the fibers are neither strictly controlled nor prevented. For example, Col. 13, lines 3-4 of Seino recite that epoxy adhesive that remains around the fiber after the etching does not cause additional problems. Applicants respectfully submit that Seino does not attribute any importance to the presence or absence of the adhesive on the etched fiber end, let alone provide any recognition of the particular impact of the peripheral adhesive as first discovered by Applicants.

For at least the foregoing reasons, Applicants respectfully request that the above rejection be reconsidered and withdrawn.

4. Claim 7 was rejected under §103(a) over Seino in view of Hirai et al. Applicants respectfully traverse this rejection.

Claim 7 depends from claim 1, which is discussed in section 3 above. Since claim 1 defines patentable subject matter over Seino, Applicants respectfully submit that claim 7 also defines patentable subject matter over the applied references by virtue of its dependency from claim 1.

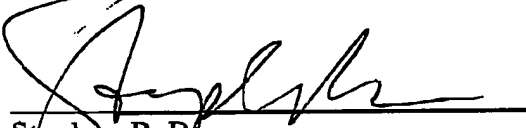
Accordingly, Applicants respectfully request that the above rejection be reconsidered and withdrawn.

For at least the foregoing reasons, Applicants respectfully submit that all claims pending herein define patentable subject matter over the art of record. Accordingly, Applicants respectfully request that the above rejection be reconsidered and withdrawn, and that a Notice of Allowance be issued for this application in due course.

If Examiner Lavarias believes that contact with Applicants' attorney would be advantageous toward the disposition of this case, he is herein requested to call Applicants' attorney at the phone number noted below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446.

Respectfully submitted,



Stephen P. Burr
Reg. No. 32,970

September 12, 2003

Date

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